

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD AUGUST 9, 2016**

The Council Recording System Malfunctioned and Did Not Record the Meeting

CALL TO ORDER

At 7:05 p.m. Mayor Woodruff called the meeting to order and stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Also present were Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Deputy Clerk Patty Donahue.

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION –

The Mayor spoke about concerns raised at last week's meeting regarding the DPW Garbage Truck. In light of this discussion, the Mayor announced that Mr. Bussicula and DPW would offer a Garbage Truck Repurpose presentation. Mr. Bussicula, Mr. Niosi and Mr. Bocchino presented a DPW Garbage Truck photo slide show and discussed various ways that the conversion of one of the town's existing garbage trucks to a "Hook Truck" could allow for the Garbage Truck to be utilized in more capacities than its current use. A lengthy discussion ensued regarding better utilization of the vehicle by having the capability of using interchangeable bodies, i.e., the current garbage truck body would be modified to allow for easy removal and interchanged with another body, such as a flat bed or a chipping box. There was also discussion of the other benefits of a Hook Truck, including safety, the Chipper box capability, the ability to attach a brine tank, Snow Plowing capability, as well as a brief discussion about plans for future Truck purchases. Mr. Delia asked a number of questions regarding the Chipper, the Tinc Claw and the number of Single Axle Dump trucks. Further discussion encompassed the benefits of utilizing a Hook Truck in conjunction with the current use of the Chipper and the Tinc Claw, Snow Plowing and reducing Township reliance on the use of Single Axle Dump Trucks as well as the fact that Hook Trucks are being successfully utilized in other municipalities (Mr. D'Aquila, Mr. Delia, Mr. Faecher, the Mayor, Mr. Bussicula, Mr. Niosi and Mr. Bocchino.)

The Mayor also spoke about the previous meeting's discussion regarding the Bond Ordinance and Mr. Maciejewski's comments. Discussion ensued regarding the expected increase that households will experience with the enactment of the Bond Ordinance, the two options for Bond payback, taxes are based on assessed value as well as households (not number of individuals in the house,) the Township's responsible manner in paying off Bond notes, the Council's approach to the Capital Plan, interest payments, short term debt, new debt, old debt and debt capital (Mr. Marceau, Mayor and Mrs. Kingsley.)

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Discussion ensued regarding the feasibility of paving all the roads at once (the Mayor and Mr. Bussiculo.) Mr. Faecher elaborated briefly about the Bond Ordinance noting that the figures represent not just Truck expenditures but a full package of items.

Mr. D'Aquila elaborated about the work conducted by the Fire Department and Mr. Faecher regarding the upcoming Fire Engine purchase. He noted that the Pierce Truck will be purchased from the Houston Galveston Co-operative. Fire Chief Padovano was asked to come towards the front of the Council Chambers room. Discussion ensued regarding steps which led to the procurement decision. Mr. Padovano noted that Berkeley Heights Fire Company is the busiest Company in Union County. The Mayor thanked all those who helped with the procurement process, including Mr. Hall, Mrs. Kingsley, Mr. Faecher, Mr. Pastore, and Mr. D'Aquila.

Mr. Pirone noted that the recurring themes in tonight's discussions were best prices, best equipment and Safety concerns.

In regards to Affordable Housing, Mr. Faecher noted that there was a very good article about this matter in the August 3rd TAPinto.Net. Mr. Faecher provided an update on the MOU discussions and Round 2 Regulations, i.e., minimum density and maximum set asides.

TOWNSHIP COUNCIL REPORTS

Mr. Delia – Mr. Delia asked a question about the number of posts. Mr. Niosi responded. Mr. Delia spoke about the number of stop signs and specifically spoke about the number of 4-way stop signs on Summit Avenue. Discussion ensued (Mr. Niosi, Chief DiPasquale and the Mayor.)

Mr. Pirone – Mr. Pirone stated that he had nothing to report.

Mr. Faecher – Mr. Faecher stated that he had nothing to report.

Mr. Pastore – Mr. Pastore stated that had nothing to report.

Mrs. Kingsley – Mrs. Kingsley thanked Halls Garden Center for the Welcome Sign plantings. She gave a "shout out" to the Police and the EMS for their great work during the recent Concert accident.

Mayor Woodruff – the Mayor noted that the Township has signed the Retainer Agreement for the Pipeline (Counsel.)

Mr. Bussiculo – Mr. Bussiculo presented updates from these Township Departments: Engineering, Public Works, Fire, Recreation, Zoning, Sewer and Building. He also spoke about the Memorandum from the County regarding Crosswalks, the County work on the Culvert on Columbia, Snyder Avenue paving, the July 27th Township Hall evacuation and a donation from a resident on Brook Street for Police Body Armor.

Moved by Mr. D'Aquila to approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

APPROVAL OF MINUTES

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. D'Aquila and upon roll call vote:

Public Meeting – July 26, 2016

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher and Mr. Pirone
Nays: None
Abstain: Mrs. Kingsley and Mr. Pastore
Absent: None

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. D'Aquila and upon roll call vote:

Executive Session – April 7, 2015 and April 14, 2015

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mr. D'Aquila
Absent: None

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Faecher to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

In regards to Submarine sandwiches for OEM at the Mount Carmel event, Mr. Foregger asked about the \$800 charge. Mr. Bussiculo responded.

In regards to Affordable Housing, Mr. Foregger asked questions about rentals and densities. Mr. Faecher responded. Mr. Foregger asked a question about Dump Truck attachments. Mr. Niosi responded.

Mr. Maciejewski and the Mayor discussed Mr. Maciejewski's recent use of a figure, with Mr. Maciejewski stating that the figure was used on a private Facebook page, not in a Council Meeting. Mr. Maciejewski spoke about the bond ordinance. Mr. Marceau responded. Mr. Maciejewski stated that the Roof money in an Ordinance was used for something else. Mrs. Kingsley responded. Mr. Maciejewski stated that Ordinance money was used for the Redevelopment study. Mr. Marceau responded. Discussion ensued (Mr. Faecher, Mr. Bussiculo, Mr. Marceau and Mr. Maciejewski.)

In regards to poor-condition roads, Mr. Maciejewski noted that everyone speaks about this topic. Discussion ensued (Mr. Pirone.)

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The Mayor asked Mr. Maciejewski about his use of the word “Slush Fund.” Mr. Maciejewski responded that it depends on the definition. The Mayor read the “Slush Fund” definition from the Merriam Webster dictionary. Mr. Maciejewski responded. The Mayor offered the phone numbers of the New Jersey Attorney General and the Union Count Prosecutor. Mr. Maciejewski responded.

Ms. Carol Matula of 5 Hastings Road asked questions about purchasing and bonding. Discussion ensued (Mr. Bussiculo, Mrs. Kingsley, Mr. Faecher, Mr. Delia and Mr. Hall.)

Regarding road grants, Mr. Tom Foregger asked whether just large roads or any road were eligible. Mr. Bocchino responded. Mr. Foregger asked how long Snyder Avenue would take to pave. Mr. Bocchino responded. In response to Mr. Foregger’s comment about the Fire purchase, a member of the Governing Body or Mr. Bussiculo responded that a Fire Truck List would be made available.

Mr. Peter Bavoso of 37 Rogers Place suggested that if anyone has questions about the Fire Department, they visit the Fire House. He stated that the Fire House is open every Wednesday night to the Public. Discussion ensued (Mr. Maciejewski, the Mayor.)

Mr. Doug Marvin of Timber Drive stated that when we attack we corrode everything.

Mr. Foregger asked questions about the Bond Ordinance as well as the numbers of SUVs. Mrs. Kingsley responded.

Hearing no voices, moved by Mr. Faecher to close the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D’Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON JULY 26, 2016.

The Clerk presented and read:

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,114,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. D’Aquila and upon roll call vote:

Ayes: Mr. D’Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated August 9, 2016 in the amount of \$563,005.89.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. D'Aquila introduced the following resolution:

2. Resolution Supporting the Fairness Formula Equal School Funding and Property Tax Relief.

Moved by Mr. D'Aquila to approve resolution #2, seconded by Mr. Pirone and carried. Mr. D'Aquila asked for further explanation of the Resolution. The Mayor responded.

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Pirone introduced the following resolution:

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3. Resolution endorsing the submission of the Year 2015 Recycling Tonnage Grant application by Robert Bocchino, Township Engineer.

Moved by Mr. Pirone to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolutions:

- a. Resolution removing William Reis from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- b. Resolution authorizing a redemption of Tax Sale Certificate #12-00001 to FWDSL & Associates LP for Block #301.08, Lot #12, located at 23 Wren Court in the amount of \$26,008.20.
- c. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:
Louis and Lynn M. Diakogiannakis 130 Timber Drive \$466.80
- d. Resolution authorizing a block party on Ridge Drive, on September 10, 2016 from 12:00 p.m.– 10:00 p.m. with a rain date of September 17, 2016.
- e. Resolution authorizing a block party on September 11, 2016 from 1:00 – 8:00 p.m. at the corner of Countryside Drive and Crest Drive.

Moved by Mr. Pastore to approve Consent Agenda Resolution #4a through e, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

INTRODUCTION OF ORDINANCE:

Public Hearing and Final Adoption scheduled for September 20, 2016

Mr. Faecher reviewed the Library Redevelopment process to date and noted that upon the passing of the first reading, the Ordinance would be forwarded to the Planning Board for review.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, Pursuant to the Local Redevelopment and Housing Law. “

Moved by Mr. Faecher that the ordinance as read by the Township Clerk be offered on the first reading, that September 20, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

CITIZENS HEARING

Moved by Mr. D'Aquila to open the Citizens Hearing, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

With the return of the Mr. Padovano to the Council Meeting, the Mayor asked Mr. Padavano about the last time a Fire Truck was purchased and the number of Department Infra-Red Cameras. Mr. Padavano responded.

Mr. Maciejewski of 40 Ralph Place asked what the appraisal was for the Little Flower property. Mr. Faecher and Mr. Delia responded. Discussion ensued (Mr. Maciejewski, Mr. Faecher and Mrs. Kingsley.)

Mr. John Carlini of Eaton Court noted that the Veterans Memorial Park was a wonderful spot and noted the pride he felt as a Navy veteran.

Ms. Carol Matula of 5 Hastings Road asked a question about page 22 of the Redevelopment plan. Mr. Sordillo responded. She noted that the plan didn't identify yard side. Mr. Faecher responded. Ms. Matula asked a question about the number of stories. Mr. Sordillo responded.

Mr. Stephen Yellin noted and congratulated Mr. Adam Uanis' recent appointment with the Union County Sheriff's office. He also suggested that we can disagree without being disagreeable and elaborated.

Mr. Tom Foregger asked about suggested changes he submitted regarding the Library Redevelopment Ordinance. Mr. Sordillo responded. Mr. Foregger asked a specific question regarding Signs and Part 5 versus Part 19. Mrs. Kingsley and Mr. Sordillo responded.

Hearing no voices, moved by Mr. D'Aquila to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

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Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

EXECUTIVE SESSION –

1. Attorney - Client Privilege / Litigation - Affordable Housing
2. Attorney - Client Privilege / Contract Negotiations – Little Flower Church
3. Attorney - Client Privilege / Litigation - Victor Mondelli v. Twp. Of Berkeley Heights, et al.
4. Attorney – Client Privilege/ Contract Negotiations – Connell
5. Attorney – Client Privilege/ Contract Negotiations - YMCA

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:55 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(9:40 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Moved by Mr. Delia to adjourn, seconded by Mr. Faecher, and upon roll call vote:
(9:41 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Approved: August 23, 2016